

right. The implication was, in his opinion, directly the reverse."

"Should the States be allowed the power to determine the qualifications of the elected, more especially where they have the right to superadd after the constitution had enumerated certain qualifications, that incompatibility, that interference of powers, which he had mentioned would exist."

Mr. J. Clay said, "if the Legislatures of the States had no constitutional right to narrow the qualifications, they had no right to superadd to them."

"The Constitution of the United States gave to the people the right of making an election of members of Congress from all the inhabitants who were within the State. He believed the question involved the liberties of the people. If they decided the State had a right by law to add to the qualifications of Representatives established by the Constitution, they decided that the right of the people to choose out of the whole State might be taken away, and the liberty of election thus abridged."

Mr. Smilie said, "by the Constitution of the United States, every citizen having the qualifications pointed out in that instrument, was qualified to serve as a member of this House. If they rejected the report of the committee, they would say that persons, although possessing the qualifications laid down by the Constitution, could not be entitled to a seat. Had they a right to do it? Mr. S. said there had been a good deal said about negative or positive declarations in the Constitution. Would the gentleman say that the States had a right to pass laws of naturalization contrary to those of the United States, and to the provision of the Constitution which directed that they should be uniform? Many articles in the Constitution pointed out the same principle."

Mr. Alston said, "once permit the States to depart from the straight line, and where would they stop them? If they were permitted to go one step, were any bounds prescribed in the Constitution at which they could be stopped? He had understood that the Legislature of Virginia had prescribed, among other qualifications, that no person should be elected a Representative unless he was possessed of a freehold estate. What might be the consequence of this? They might say that no man should be elected who did not possess fifty, a thousand, or ten thousand acres of land. They might even prescribe the particular quality of the land, or its situation."

Mr. Quincy said, "when the whole right of voting was the subject of consideration, as it was at the formation of the Constitution, the exclusion of a part was the inclusion of the remainder. The Constitution had said that certain persons should not have a right to be elected members of this House. Was not this a declaration that all others might? This was a right, then, which was reserved to the people, and not to the States."

Mr. Rowan said, "had the Legislature of the State of Maryland the power of thus contracting the choice of the people? If they had the power of restricting the choice of Representatives as to place, why not as to other qualifications? They

might say that no man was qualified to serve as a Representative in the Congress of the United States who was not a farmer, a mechanic, or of any other profession. Grant them the power of adding qualifications, and where would they fix a limit? The Constitution did not provide against the introduction of a political test. The State Legislature might enact that no person should be a Representative who was not a Federalist: how would the committee reconcile this with that part of the Constitution which had undertaken to guarantee to the States a Republican form of government? If the Legislature determined that members from the State of Maryland should possess a certain property—that they should be worth 500 or 1,000 pounds, would it not be verging towards aristocracy? If they were to say that all the members of the State should be chosen from the town of Baltimore, would it not appear absurd? And yet they had as much right to do this as to say that each member should be a resident of a particular district. The Legislature was only authorized by the Constitution to say that they should reside in the State from which they were elected."

It was a principle in law, that every thing which the parties who wrote had said in a writing, was all they intended to say. If they had said nothing, it was presumed that they had reserved it for future consideration; but if they said any thing on a subject, it was supposed they had said all they meant. Now, the framers of the Constitution had prescribed certain qualifications; if they had intended that any other should be necessary, they would have said so. In the preceding clause, they had given to the State sovereignties the right to fix the qualifications of Electors: "The Electors in each State shall have the qualifications requisite for the most numerous branch of the State Legislature." Here they have thrown upon the State Legislature the whole power to affix qualifications to the Electors, as well of the members of Congress, as of the President and Vice President. Not so as to the elected; it might have been unfortunate if they had. The different interests of the different States would have assigned different qualifications. In such circumstances, could any unanimity have been expected? No. It had, therefore, forcibly obtruded itself upon the people, that they should affix permanent qualifications, which were only that a member should have arrived to the age of twenty-one years, have been seven years a citizen of the United States, and should be an inhabitant of the State for which he should be chosen.

Mr. C. said he would particularly invite attention to the very able, and, he must think, conclusive argument of Philip Barton Key, then a Representative from this State. That gentleman's seat had also been contested, and that fact probably had caused him to direct his powerful intellect to the consideration of this subject with peculiar earnestness. It was known to most of us here that Mr. Key was for many years, one of the most eminent lawyers in Maryland, distinguished as an ornament to his profession, when the prominent men of the profession were brought into contact during the days of the General Court.